

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

PAUL JESSIE WEBB, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-00155-GHD-JMV

NEWK'S BAKERY COMPANY, LLC

DEFENDANT

ORDER STAYING CERTAIN PROCEEDINGS

This matter is before the court, *sua sponte*, for a stay of discovery due to Defendant's motion to dismiss [8], arguing that Plaintiffs' cause of action must be dismissed for insufficiency of service of process.

Local Uniform Civil Rule 16(b)(3)(B) provides that "[f]iling a motion asserting... a jurisdictional defense... stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion... [is a decision] committed to the discretion of the court." L. U. CIV. R. 16(b)(3)(B). A claim of insufficient service of process is a jurisdictional defense. *See Flory v. U.S.*, 79 F.3d 24, 25-26 (5th Cir. 1996). Accordingly, a stay of certain proceedings is appropriate. Should the parties desire to undertake jurisdiction-related discovery, they should contact the court for scheduling of same.

IT IS, THEREFORE, ORDERED that the case management conference shall be cancelled, and Defendant shall notify the undersigned magistrate judge within seven (7) days of a decision on the motion and shall submit a proposed order lifting the stay.

SO ORDERED this, September 13, 2018.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE